

## Speak up & be heard

CONSUMER REGISTER lists summaries of major consumer proposals before Federal agencies. If you wish to submit written comments, include your name & address, state the name & *Federal Register* citation of the proposal on which you are commenting and explain your views briefly & clearly.

### Beef sausage

Dec. 21 is deadline for comments on Agriculture Dept.'s decision to turn down petitions received from manufacturers of beef sausages who wished to raise the maximum fat content of their products from the 30% limit to 50%.

Agriculture's standard setting 30% maximum fat limit for beef sausages was announced Oct. 3, 1970. Soon afterward, Agriculture received the manufacturers' request to increase the fat limit. Reasons given by the manufacturers included these:

- Beef sausage has customarily had a higher fat content, & the 30% limit has changed the taste & texture of the product, making it less appealing to consumers;
- Beef sausage should have the same fat limit as other comparable products, such as pork sausage & breakfast sausage, both of which are set at 50% fat limits.

In response, Agriculture conducted a study of fresh beef sausage, including laboratory records kept on fat content of this product. Results showed that, in fact, a fat content of 50% had not been characteristic of beef sausage, thus invalidating the manufacturers' claim.

Also against the manufacturers' petition was Agriculture's contention that if the standard were to permit more than 30% fat, the term "fresh beef sausage" could also be used to label excessively fatty ground beef products that more properly should be identified as "imitation hamburger."

Details—*Federal Register*: Oct. 11, page 28072.

### Asbestos

Dec. 27 is deadline for comments on Food & Drug Administration's (FDA) actions to clarify issues & regulations that might be necessary to reduce asbestos contamination in food & drugs.

In these actions, FDA has

- Called for available scientific or medical information on effects of asbestos fibers being injected (through drug use) or swallowed (through food & beverages).
- Published for comment a petition from 2 non-profit environmental organizations calling for a prohibition of all asbestos residues in food & drugs.
- Responded to the petition with specific plans to reduce asbestos residues in food & drugs by establishing a more accurate standard test method for determining presence of asbestos fibers in food-grade talc & requiring that no asbestos filters be used in making injectable drugs unless filters are essential to production.

FDA reports asbestos is present everywhere in the environment, & it is impossible to eliminate all sources of

asbestos contact with food & drugs. However, since asbestos is known to be cancer-causing when inhaled, FDA recognizes the importance of reducing asbestos contamination to minimum levels.

Details—*Federal Register*: Sept. 28, page 27076. CONSUMER REGISTER: Sept. 15, Aug. 15 & March 15, 1972. Send comments to Hearing Clerk, Food & Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

### Artists' paints

Consumer Product Safety Commission (CPSC) has exempted artists' paints from the Federal ban on household paints containing more than .5% lead. The ban on paints was issued March 11, 1972, & applies to "any paint or other similar surface coating material intended or packaged in a form suitable for use in & around the household & that is shipped in interstate commerce between Dec. 31, 1972, & Dec. 31, 1973."

The exemption for artists' paints was issued after Food & Drug Administration (FDA) published a proposed exemption notice Jan. 4 suspending application of the ban to artists' paints until comments could be received & an order issued. In response, FDA received 26 comments from artists & artists' groups in favor of the exemption. It received no adverse comments.

The arguments used to support the proposal for exemption were

- Lead carbonate is needed for certain techniques used in oil paintings;
- Cost of artists' paints makes it unlikely that they will be used as household paints;
- Artists' paints are not likely to be eaten by children after the paint has been applied to the canvas.

CPSC acted on the proposal because on May 14 the authority to ban products under the Federal Hazardous Substances Act was transferred from FDA to CPSC.

Details—*Federal Register*: Oct. 4, page 27514; Jan. 4, page 799. CONSUMER REGISTER: Feb. 1.

### Older Americans

Health, Education & Welfare Dept. (HEW) has issued final revisions on regulations growing out of Title 3 of the Older Americans Comprehensive Services Amendments of 1973.

The regulations govern state & community programs geared to older persons. Objectives of the Title 3 program are

- To strengthen state agencies on aging;

● To strengthen or to develop at the area, or sub-state, level a system of coordinated services to keep senior citizens living in their own homes for as long as possible.

The revised regulations should facilitate planning & coordination among public & private agencies within any area, enabling them to pool their resources for older persons. Under the final regulations, each state will set up planning & service areas for older American programs, with each area headed by a public or nonprofit private agency, to be named by the state agency on aging.

Revisions in these final regulations reflect public comments submitted to HEW's Administration on Aging (AoA). Some of the major revisions resulting from comments include the following:

● State & area plans must specify program objectives & priorities, giving special attention to low income, minority & physically or mentally handicapped older persons.

● A state may propose changes in the definition of low income persons ("those whose incomes fall below the poverty threshold of the Census Bureau") to meet special state situations.

● "Social services" shall include special services for the blind & visually handicapped, home health aide services, nutrition services that meet Federal standards & employment services.

● State & area agencies must hold public hearings in fiscal year 1975 (which begins July 1, 1974) on their plans.

● State & area agencies must establish information & referral services by June 30, 1975; these will cooperate with district offices of Social Security Administration.

● Federal funds for social services may continue for more than 3 years, with approval from the U.S. Commissioner on Aging, when it can be shown that support from other public or private sources will not soon be available.

Details—*Federal Register*: Oct. 11, page 28039; Sept. 4, page 23912. CONSUMER REGISTER: Sept. 15.

## Enriched flour & bread

Food & Drug Administration (FDA) has issued new standards setting the amount of vitamins & iron to be added to enriched flour & bread. Enrichment is voluntary, but if companies label flour & bread as enriched, they must follow FDA standards.

The standards, to become effective April 15, 1974, will require the addition of 40 milligrams of iron per pound of flour—that is more than double the present 16.5 mg limit—and 25 mg of iron per pound of bread—that is double the present 12.5 mg limit.

In addition to iron, the standards set new levels of enrichment for the vitamins thiamin, riboflavin & niacin. The new levels per pound of flour are as follows:

Thiamin 2.9 mg (old level: 2.0 to 2.5 mg)

Riboflavin 1.8 mg (old: 1.2 to 1.5 mg)

Niacin 24 mg (old: 16 to 20 mg)

New levels per pound of bread are as follows:

Thiamin 1.8 mg (old: 1.1 to 1.8 mg)

Riboflavin 1.1 mg (old: 0.7 to 1.6 mg)

Niacin 15 mg (old: 10 to 15 mg).

FDA originally proposed to set new standards for the enrichment on Dec. 3, 1971, when it issued proposed regulations for public comment (FDA received 520 comments, of which 39% came from consumers). Although most comments supported the increase in nutrients, there was some opposition expressed to increasing the iron content. This opposition was based on the argument that the addition might increase the prevalence or severity of iron disorders, particularly hemochromatosis, a serious blood disorder.

At FDA's request, Federation of American Societies for Experimental Biology & Council on Foods & Nutrition of the American Medical Association reviewed the safety question. They concluded that the increased iron in enriched bread & flour would not jeopardize the health of normal individuals nor increase the incidence of hemochromatosis or other disorders.

Details—*Federal Register*: Oct. 15, page 28558. CONSUMER NEWS: Jan. 1, 1972.

## Toy rule denied

Consumer Product Safety Commission (CPSC) has denied a petition filed by the Toy Manufacturers of America (TMA). TMA wanted the commission to issue a consumer product safety rule for toys under the Consumer Product Safety Act rather than to continue regulating toys under the Federal Hazardous Act, which provides for banning hazardous products.

The Consumer Product Safety Act permits CPSC to take action under provisions of the act itself or under provisions of other laws enforced by CPSC. In considering provisions of both the Consumer Product Safety Act & the Federal Hazardous Substances Act, CPSC decided that risks of injury from all categories of toys could be eliminated or reduced to a sufficient extent by action under the hazardous substances law.

In its petition, TMA contended that the Consumer Safety Act provides for uniform safety standards & has enforcement provisions not found in the Federal Hazardous Substances Act. TMA had developed a voluntary industry standard for toys that, under the provisions of the Consumer Product Safety Act, could be proposed as a consumer product safety standard. Because CPSC ruled that it should proceed under the provisions of the Federal Hazardous Substances Act, the petition for this proposed standard was denied.

Details—*Federal Register*: Oct. 16, page 28715.

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